REMARKS

In the Office Action, Claims 1-18 were rejected under 35 U.S.C. 101 as directed to non-statutory subject matter. Claim 18 was rejected under 35 U.S.C. 102(a) as being anticipated by Hall et al. (U.S. Patent No. 6,026,375). Claims 1-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. (U.S. Patent No. 6,026,375) and further in view of DiAngelo et al. (U.S. Patent No. 6,101,482).

Discussion of the Cited Art

Hall discloses a method that enables a service provider to provide services to mobile customers by tracking the movement of the customer to synchronize the availability of the service with the arrival of the customer at one of a plurality of locations where the service can be provided. For example a customer can order a hamburger via an Internet appliance and have it ready at the anticipated time of arrival at one of the outlets where the hamburger can be received.

DiAngelo discloses a system that allows a user of a client computer to maintain a "universal" shopping cart, controlled by the user, which allows the user to browse, do comparisons, and shop at a plurality of shops, at any time, and then execute all the purchases in one simple transaction as if all the purchases related to a single shop.

Response to Rejections

By focusing on specific references, claims and limitations in the remarks that follow, Applicant does not intend to imply an agreement with the Examiner's assertions with respect to other references, claims, and limitations.

As to Independent Claim 1

Independent Claim 1 has been amended to recite "on a computer system". Accordingly, the Examiner's rejection under Section 101 should be withdrawn for Claim 1 and the claims depending therefrom.

Claim 1 as amended recites "for each of a plurality of consumers, associating a plurality of items ordered by the consumer from a plurality of merchants". In the Office Action, the Examiner correctly notes that Hall does not specifically disclose identifying a plurality of items ordered by a consumer from a plurality of merchants. But the Examiner notes that DiAngelo discloses the use of gathered information to effect a purchase of given products. DiAngelo does not, however, disclose "associating a plurality of items *ordered* by the consumer". The information gathered by DiAngelo relates to items that may be purchased by the consumer rather

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than items that have been ordered. Furthermore, DiAngelo does not disclose gathering information for each of a plurality of consumers.

Claim 1 further recites "for each consumer, based at least on the association of the items on the computer system, physically aggregating the items at the location". The Examiner takes the position that Hall discloses aggregating the plurality of items at the aggregation location. Applicant acknowledges that Hall discloses the concept aggregating a number of items ordered from a single merchant for pickup by a consumer. Hall, however, does not disclose physically aggregating items ordered from a plurality of merchants as is required by Claim 1.

Since all of the limitations of Claim 1, have not been shown in the cited references, Applicant respectfully submits that Claim 1 has not been shown obvious. Claims 2-4, 6, 18 and 19 depend from Claim 1 and should likewise be allowable for at least the reasons set forth above with respect to Claim 1. These dependent claims also recite additional patentable distinctions over the cited art. For example, Claim 3, as amended, recites "on the computer system, for each consumer, receiving notification of the pending delivery of at least one of the items to the location."

As to Independent Claim 7

Independent Claim 7 has been amended to recite "on a computer system". Accordingly, the Examiner's rejection under Section 101 should now be withdrawn for Claim 7 and the claims depending therefrom.

Claim 7 as amended recites, "identifying a plurality of consumers and for each consumer: for each of a plurality of merchants, identifying an item purchased by the consumer from the merchant". Accordingly, Claim 7 requires identifying a plurality of items purchased by each of a plurality of consumers from a plurality of merchants. Neither Hall or DiAngelo disclose this combination of limitations.

Claim 7 also recites, "for each of the merchants, providing to the merchant instructions to send the item to the geographic location". The Examiner takes the position that Hall discloses "notifying the merchant of the identity of the aggregation location selected by the receiver (fig. 6C [675])". Fig. 6C [675] of Hall is a block in a flowchart labeled "Customer Service Agent confirms order and notifies customer 100 of facility and order cost." This reference to Hall discloses a notification to the customer, which is significantly different than a notification to a merchant. Accordingly, Hall does not disclose the above-cited limitations.

Since all of the limitations of Claim 7 have not been shown in the cited references, Applicant respectfully submits that Claim 7 has not been shown obvious. Claims 8-17 depend from Claim 7 and should likewise be allowable for at least the reasons set forth above with respect to Claim 7. These dependent claims also recite additional patentable distinctions over the cited art. For example, Claim 15 recites "presenting to the consumer an identification of a plurality of aggregation locations; and obtaining from the consumer a selection of one of the aggregation locations."

CONCLUSION

In view of the foregoing remarks, Applicant submits that the application is in condition for allowance. If, however, issues remain which can potentially be resolved by telephone, the Examiner is invited to call the Applicant at his direct dial number of (408) 730-0110.

Respectfully submitted,

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UNMARKED VERSION OF FULL CLAIM SET AS AMENDED

1. A computer-assisted method of facilitating a transfer of purchases to consumers, the method comprising:

on a computer system, for each of a plurality of consumers, associating a plurality of items ordered by the consumer from a plurality of merchants;

for each consumer, receiving the associated items at a single geographic location; and

for each consumer, based at least on the association of the items on the computer system, physically aggregating the items at the location; and

for each consumer, transferring the aggregated items to the consumer.

2. The method of Claim 1, wherein each of the purchased items is a product or comprises one or more products.

3. The method of Claim 1, further comprising

on the computer system, for each consumer, receiving notification of a pending delivery of at least one of the items to the location.

4. The method of Claim 1, further comprising

using the computer system, for each consumer, notifying the consumer that some or all of the plurality of items have been received at the location.

5. (canceled)

6. The method of Claim 1, wherein transferring the aggregated items to the consumer comprises sending the items to the consumer from the location.

7. A computer-assisted method of facilitating the transfer of products to consumers, the method comprising:

on a computer system, identifying a plurality of consumers and for each consumer:

for each of a plurality of merchants, identifying an item purchased by the consumer from the merchant;

identifying a geographic location; and

for each of the merchants, providing to the merchant instructions to send the item to the geographic location.

8. The method of Claim 7, wherein each of the purchased items is a product or comprises one or more products.

9. The method of Claim 7, wherein the location is an order aggregation site.

10. The method of Claim 9, further comprising

providing an identification of the items to the order aggregation site.

11. The method of Claim 9, further comprising

instructing the order aggregation site to aggregate the items.

12. The method of Claim 11, further comprising

instructing the order aggregation site to transfer the aggregated items to the consumer.

13. The method of Claim 11, further comprising

instructing the order aggregation site to deliver the aggregated items to the consumer.

14. The method of Claim 11, further comprising

instructing a delivery service to pick up the aggregated items at the order aggregation site and to deliver the aggregated items to the consumer.

15. The method of Claim 7, wherein identifying the location comprises:

presenting to the consumer an identification of a plurality of aggregation locations; and

obtaining from the consumer a selection of one of the aggregation locations.

16. The method of Claim 7, further comprising

instructing the consumer to receive the items at the location.

17. The method of Claim 16, further comprising

receiving from the consumer, an identification of a time at which the consumer will expect to receive the items.

18. The method of Claim 1, further comprising, for each consumer:

presenting to the consumer at least one geographic location at which the consumer can receive the items;

obtaining from the consumer a selection of one of the locations; and

notifying the merchants of the identity of the location selected by the consumer.

19. The method of Claim 1, wherein the location comprises:

a set of temporary bulk storage facilities that provide a selection of appropriate environments to temporarily store products;

an order aggregation facility where products picked from the temporary bulk storage facilities can be physically aggregated;

loading and unloading docks for trucks to deliver and pick up shipments;

a recipient vehicle loading and unloading facility for transferring items to consumers;

a communications system configured to electronically communicate with merchants and consumers; and

a computing system configured to coordinate transfers of items from merchants to consumers.